

REMARKS

This Amendment is submitted in response to the non-final Office Action mailed on November 30, 2009. No fee is due in connection with this Amendment. The Director is authorized to charge any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 3712174-00517 on the account statement.

Claims 1 and 8-19 are pending in this application. Claims 2-7 were previously canceled without prejudice or disclaimer. In the Office Action, Claims 1 and 8-19 are rejected under 35 U.S.C. §103. In response, Claims 20-22 have been newly added. The new claims do not add new matter. For at least the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1, 8-10, 12-14 and 16-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/0031509 A1 to Yamazaki et al. ("*Yamazaki*"). For at least the reasons set forth below, Applicants respectfully submit that *Yamazaki* is deficient with respect to the present claims.

Independent Claims 1, 14 and 16 recite, in part, an organic EL device comprising an anode, a cathode, and an organic layer including a plurality of light emitting layers provided between the anode and the cathode, wherein said light emitting layers comprise a red light emitting layer provided on the anode, a green light emitting layer provided directly on the red light emitting layer, and a blue light emitting layer provided directly on the green light emitting layer.

Similarly, independent Claim 8 recites, in part, a display comprising a color filter provided on a light take-out surface side of an organic EL device for emitting white light, wherein said organic EL device comprises an organic layer including a plurality of light emitting layers, said organic layer interposed between an anode and a cathode; and said light emitting layers comprise a red light emitting layer, a green light emitting layer, and a blue light emitting layer laminated in respective order from the anode side. By laminating the red, green and blue light emitting layers in respective order from the anode side, the present claims provide an organic EL device having improved efficiency and a longer half life of luminance. See, Specification, page 1, paragraphs 4-7. In contrast, *Yamazaki* is deficient with respect to the present claims.

For example, *Yamazaki* fails to disclose or suggest a plurality of light emitting layers, said light emitting layers comprise a red light emitting layer, a green light emitting layer, and a blue light emitting layer laminated in respective order from the anode side as required, in part, by independent Claims 1, 8, 14 and 16. The Patent Office asserts that *Yamazaki* discloses a plurality of light emission layers that can emit red, green and blue light but admits that *Yamazaki* is silent about which layers individually emit red, green and blue light (and thus the respective order of the layers). See, Office Action, page 2, lines 20-23; page 3, lines 1-2. Nevertheless, the Patent Office asserts that Fig. 3b of *Yamazaki* shows the three light emitting layers directly in contact with one another, and “it has been held that rearranging parts of an invention involves only routine skill in the art.” See, Office Action, page 3, lines 3-7. As support for its assertion that rearranging the light emitting layers to arrive at the claimed configuration would have been obvious, the Patent Office relies solely on the case *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). See, Office Action, page 3, lines 6-7.

However, Applicants respectfully submit that the case relied on by the Patent Office does not hold generally that rearrangement of parts is always a matter of routine skill in the art. Instead, that case merely held that, in a hydraulic press, “there would be no invention in shifting the starting switch disclosed by [the prior art reference] to a different position since the operation of the device would not thereby be modified.” See, *In re Japikse*, 181 F.2d at 1031. In contrast, the Specification clearly demonstrates that an organic EL device would be modified by rearranging the configuration of the light emitting layers:

Particularly, the lamination of the red light emitting layer, the green light emitting layer, and the blue light emitting layer in this order from the anode side permits a configuration such that the injection of holes and electrons as well as the light emission regions can be controlled and that the emission efficacy is higher and the half life of luminance is longer, as compared with the case where a blue light emitting layer, the green light emitting layer, and a red light emitting layer are laminated in this order from the hole transport layer side.

See, Specification, page 1, paragraph 7, lines 11-20. Therefore, Applicants respectfully submit that *In re Japikse* cannot be applied to the present claims.

Moreover, the M.P.E.P. clearly states that “[i]f the applicant has demonstrated the criticality of a specific limitation, it would not be appropriate to rely solely on case law as the rationale to support an obviousness rejection.” See, M.P.E.P. §2144.04 (2009). As discussed previously, the Specification discloses that the claimed configuration of light emitting layers is

critical because the emission efficacy is higher and the half life of luminance is longer for an organic EL device with the claimed configuration than for a device in which the order of the light emitting materials from the anode side is reversed. See, Specification, page 1, paragraph 7; pages 5-6, paragraph 63; page 6, paragraph 66. Applicants thus submit that the Patent Office has not provided a sufficient rationale for rearranging the configuration of the light emitting layers of *Yamazaki* to arrive at the present claims. Furthermore, the Patent Office admits that *Yamazaki* fails to expressly disclose the claimed configuration of light emitting layers. See, Office Action, page 3, lines 1-2. As such, *Yamazaki* fails to disclose or render obvious a red light emitting layer, a green light emitting layer, and a blue light emitting layer laminated in respective order from the anode side as required, in part, by Claims 1, 8-10, 12-14 and 16.

With respect to Claims 17-19, Applicants respectfully submit that *Yamazaki* fails to disclose a plurality of light emitting layers, wherein said red light emitting layer has a hole transporting property, said green light emitting layer has a positive and negative charge transporting property, and said blue light emitting layer has an electron transporting property. The Patent Office asserts that *Yamazaki* teaches red, green and blue light emitting layers with the claimed properties. See, Office Action, page 7, lines 1-12. However, the Patent Office fails to provide any support in *Yamazaki* for its assertion. Instead, the only rationale supporting the Patent Office's position appears to be the statement "(i.e. during recombination all these properties hold)." See, Office Action, page 7, lines 4, 8 and 12. However, it is unclear what the Patent Office is asserting with this statement. The only portion of *Yamazaki* discussing red, green and blue light emitting layers states that "in the case of emitting color lights, three kinds of emission layers for the colors R (red), G (green), and B (blue) may be formed in line in each of the pixels, or an emission layer luminescing white color in combination with a color filter may be provided." See, *Yamazaki*, page 7, paragraph 40, lines 3-7. Nowhere does *Yamazaki* disclose any specific properties of the red, green and blue light emitting layers, nor does the Patent Office cite support for the claimed properties. Thus, *Yamazaki* fails to disclose or teach that said red light emitting layer has a hole transporting property, said green light emitting layer has a positive and negative charge transporting property, and said blue light emitting layer has an electron transporting property in accordance with Claims 17-19.

Accordingly, Applicants respectfully request that the rejection of Claims 1, 8-10, 12-14 and 16-19 under 35 U.S.C. §103(a) to *Yamazaki* be withdrawn.

In the Office Action, Claims 11 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Yamazaki* in view of U.S. Patent No. 6,198,217 B1 to Suzuki et al. ("*Suzuki*"). For at least the reasons set forth below, Applicants respectfully submit that, even if combinable, the cited references fail to disclose or suggest each and every element of Claims 11 and 15.

As discussed previously, *Yamazaki* fails to disclose or suggest that said light emitting layers comprise a red light emitting layer, a green light emitting layer, and a blue light emitting layer laminated in respective order from the anode side as required, in part, by independent Claims 1 and 14 from which Claims 11 and 15 depend. The Patent Office relies on *Suzuki* merely for the disclosure of a protective layer covering the organic layer. See, Office Action, page 7, lines 16-22; page 8, lines 1-2. Nowhere does *Suzuki* teach that its light emitting layer comprises a red light emitting layer, a green light emitting layer, and a blue light emitting layer laminated in respective order from the anode side, nor does the Patent Office cite support for such claimed element. In fact, *Suzuki* fails to even disclose that its light emitting layer comprises red, green and blue light emitting layers and instead merely teaches that "[t]he light-emitting layer 14. . . should be made of an organic substance capable of emitting fluorescence having a high fluorescent intensity in a visible light range and also capable of forming a thin film." See, *Suzuki*, column 3, lines 55-59. As such, even if combinable, *Suzuki* fails to remedy the deficiencies of *Yamazaki* with respect to Claims 11 and 15.

Accordingly, Applicants respectfully request that the rejection of Claims 11 and 15 under 35 U.S.C. §103(a) to *Yamazaki* and *Suzuki* be withdrawn.

Applicants further note that Claims 20-22 have been newly added. The new Claims are fully supported in the Specification at, for example, Abstract, lines 15-19; page 2, paragraph 13; page 5, paragraph 57; page 8, paragraphs 79-82; Figs. 3-4. No new matter has been added thereby. Applicants respectfully submit that the subject matter as defined in the newly added claims is patentable over the cited art for at least substantially the same reasons discussed above.

Specifically, Applicants respectfully submit that, even if combinable, the cited references fail to disclose or suggest a blue light emitting layer which comprises a positive and negative charge transporting blue light emitting layer and an electron transmitting blue light emitting layer laminated in this order from the anode side as required, in part, by Claims 20-22. For example, the Patent Office asserts that *Yamazaki* teaches red, green and blue light emitting layers in contact with each other and that one of ordinary skill in the art would contemplate "forming the

red light emitting layer in the anode side, and provide the green light [emitting] layer directly on the red light emitting [layer], and a blue light emitting layer provide[d] directly on the green light emitting layer, wherein the blue light emitting layer comprises a positive and negative charge transport blue light emitting layer.” See, Office Action, page 6, lines 9-17. However, the portion of *Yamazaki* relied on by the Patent Office merely discloses that “in the case of emitting color lights, three kinds of emission layers for the colors R (red), G (green), and B (blue) may be formed in line in each of the pixels, or an emission layer luminescing white color in combination with a color filter may be provided. In addition, a color converting layer (CCM) and a color filter may be combined with the emission layer luminescing blue color.” See, *Yamazaki*, page 3, paragraph 40, lines 3-10. However, nowhere does *Yamazaki* disclose a two-layer blue light emitting layer comprising a positive and negative charge transporting blue light emitting layer and an electron transmitting blue light emitting layer laminated in this order from the anode side.

The Patent Office relies on *Suzuki* merely for the disclosure of a protective layer covering the organic layer. See, Office Action, page 7, lines 16-22; page 8, lines 1-2. Nowhere does *Suzuki* teach or suggest a two-layer blue light emitting layer comprising a the claimed light emitting layers, nor does the Patent Office cite support for such element. In fact, *Suzuki* fails to suggest a blue light emitting layer anywhere in its disclosure. As such, even if combinable, the combination of *Yamazaki* and *Suzuki* fails to disclose or even suggest a blue light emitting layer that comprises a positive and negative charge transporting blue light emitting layer and an electron transmitting blue light emitting layer laminated in this order from the anode side as required, in part, by Claims 20-22.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

K&L GATES LLP

BY 

Thomas C. Basso

Reg. No. 46,541

Customer No. 29175

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